

ORMET CORPORATION
 BUILDING OUR FUTURE TODAY
 P.O. BOX 176 HANNIBAL, OHIO 43931

054905014

1-01354
 51-80
 111

DATE		REG. NO.
01	04	90
		01354

Pay Exactly *****186,709.00 Dollars and 00 Cents

NET AMOUNT
 *****186,709.00

TO THE ORDER OF
 EPA HAZARDOUS SUBSTANCE SUPERFUND

US EPA Region V
 Finance & Accounting
 230 South Dearborn Street
 Chicago, Illinois 60604

REC'D UNDER CD NO. 065
 1/9/90
 DATED \$186,709-

ORMET CORPORATION

BANK OF BOSTON
 CONNECTICUT
 WATERBURY, CONN.

Nonresponsive

John D. Reggi
 Project Coordinator
 Ormet Corporation
 Route 7
 P.O. Box 17
 Hannibal, Ohio 43931

HSCR
 20X8145.4
 \$186,709.00
 ORMET
 OHIO

RE: Ormet Site

11/22/89

Dear Sir :

The enclosed billing is for the recovery of costs incurred by the U.S. Environmental Protection Agency (EPA) for response activity, performed under the authority of the Comprehensive Environmental Response Compensation and Liability Act as Amended for the period of 4/1/88 thru 3/31/89. These costs were incurred for the Ormet, EPA is due \$186,709.00 on Dec. 22, 1989. This bill is solely for recovery of government response costs, any fines and/or civil penalties due will be billed separately.

This billing invoice is being forwarded to you for payment based on the enclosed consent order. Please make your check payable to EPA Hazardous Substance Superfund and forward your payment to:

EPA Region V
 Attention: Superfund Accounting
 P.O. Box 70753
 Chicago, IL 60673

To avoid additional charges, payment must be received within 30 days of the bill date. If not received, interest will accrue, from the bill date at the rate of 8.47% from October 1, 1989 to September 31, 1990. If there are any questions please contact V. Simmons at (312) 353-4885



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

FILE COPY

REPLY TO THE ATTENTION OF:

John D. Reggi
Project Coordinator
Ormet Corporation
Route 7
P.O. Box 17
Hannibal, Ohio 43931

RE: Ormet Site

12/06/89

Dear Sir :

The enclosed billing is for the recovery of costs incurred by the U.S. Environmental Protection Agency (EPA) for response activity, performed under the authority of the Comprehensive Environmental Response Compensation and Liability Act as Amended for the period of 4/1/88 thru 3/31/89. These costs were incurred for the Ormet site, EPA is due \$186,709.00 on Jan. 06, 1990. This bill is solely for recovery of government response costs, any fines and/or civil penalties due will be billed separately.

This billing invoice is being forwarded to you for payment based on the enclosed consent order. Please make your check payable to EPA Hazardous Substance Superfund and forward your payment to:

EPA Region V
Attention: Superfund Accounting
P.O. Box 70753
Chicago, IL 60673

To avoid additional charges, payment must be received within 30 days of the bill date. If not received, interest will accrue, from the bill date at the rate of 8.47% from October 1, 1989 to September 31, 1990. If there are any questions please contact V. Simmons at (312) 353-4885.

To ensure that your payment is properly recorded by EPA for the period of 4/1/88 thru 3/31/89, the following information must be included on the face of your payment check:

Ormet, OH
Account No. OT014
Site No. 12

Any questions or problems regarding this billing should be directed to:

U.S. Environmental Protection Agency
ATTN: Vanessa Simmons
230 South Dearborn 5MFS-14
Chicago, Illinois 60604

Thank you for your cooperation

Enclosures

Sincerely yours,

~~/s/~~ IVARS P. ANTENS, CHIEF
FINANCIAL MGMT, BR.

Ivars P. Antens
Financial Management Officer

cc: Rhonda E. McBride (5HS-11)
Remedial Project Manager
U.S. E.P.A.
230 S. Dearborn
Chicago, IL 60604

Tom Marks (5HS-12)
Regional Cost Recovery Coordinator
Superfund Program Management Branch
U.S. E.P.A.
230 S. Dearborn
Chicago, IL 60604

Jane Lupton, Attorney
5CS-TUB-3
U.S. E.P.A.
230 S. Dearborn
Chicago, IL 60604

ORMET CORPORATION

P.O. BOX 176
HANNIBAL, OHIO 43931

January 4, 1990

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EPA Region V
P. O. Box 70753
Chicago, Illinois 60673

Attention: Superfund Accounting

Re: Ormet Site Account No. OT012, OT013 and OT014

Dear Sir or Madam:

Enclosed with this letter are three checks payable to the "EPA Hazardous Substance Superfund." The first check is in the amount of \$64,672.11 for Account No. OT012. The second check is in the amount of \$102,721.83 for Account No. OT013. The third check is in the amount of \$186,709.00 for Account No. OT014.

The enclosed payments were prepared and submitted in accordance with and reliance upon the instructions set forth in letters signed by Ivars P. Antens dated December 6, 1989. We note that those instructions deviate from the provisions of Subsection XXV-C of the March, 1987 Consent Order between the parties (In the Matter of Ormet Corporation, U.S. EPA, Docket No. V-W-87-C-013). We presume that Mr. Antens' letters of December 6, 1989 supersede the provisions of Subsection XXV-C and that Ormet's payments in accordance therewith are in full compliance with the Consent Order.

While Ormet is paying the full amounts billed under Account Nos. OT012, OT013 and OT014, it is doing so under protest.

Subsection XXV-B of the Consent Order specifically provides that:

. . . U.S. EPA . . . shall submit an accounting to [Ormet] for all oversight costs incurred by the U.S. EPA . . . with respect to this Consent Order . . . including, but not limited to, the costs incurred by the U.S. EPA in having a qualified person oversee the conduct of the RI/FS pursuant to Section 104(a) of CERCLA."
(Emphasis added).

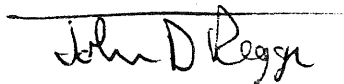
Per my letter dated June 2, 1989 to Rhonda E. McBride, U.S. EPA's Remedial Project Manager, Ormet objected to the initial statements of oversight costs which were submitted to Ormet by Ms. McBride's letter of May 23, 1989. By letter dated December 8, 1989, Mr. Antens agreed with Ormet that the statements sent by Ms. McBride's letter of May 23 were not proper billings under the Consent Order.

The "billings" submitted to Ormet by Mr. Antens' letters of December 6, 1989 contain more accounting detail than previously provided with respect to EPA's internal costs. However, the December 6 billings do not contain any accounting of outside contractor costs. Therefore, Ormet must once again remind U.S. EPA of its obligations under the Consent Order and we hereby demand that U.S. EPA comply with the provisions of the Consent Order with respect to providing an adequate accounting of U.S. EPA's oversight costs.

Ormet's payment in response to the inadequately supported billings at this time is in keeping with our ongoing commitment to deal with U.S. EPA in good faith. However, Ormet will make no further cost reimbursement payments to U.S. EPA unless and until it receives a full and proper accounting for the periods covered by the December 6 billings.

We look forward to receiving the required accounting information promptly.

Sincerely,



J. D. Reggi
Ormet Project Coordinator

JDR:smg
Enclosures

cc: Ivars P. Antens
Vanessa Simmons
Rhonda E. McBride
Jane Lupton
John W. Ubinger, Jr.